

### **III. REMARKS**

#### **▪ Present Application**

Claims 1-4, 6, 11-14, 16, 20, 22, 23, 25-30, 33, 35-37, 39-45, 48, 50-52, and 54-56 have been pending in this application. Rejected Claims 1, 3, 4, 10, 11, 12, 13, 14 and 20 have been amended. Claims 5, 7-9, 12, 17-19, 21, 24, 31, 32, 34, 38, 46, 47, 49, and 53 are canceled without prejudice. No new matter has been introduced with this amendment which is supported throughout the instant Specification, especially on pages 84-94. Applicant respectfully asserts that all of the pending claims are patentable.

#### **Response to Objections**

##### **▪ The Examiner's Position**

The Examiner has issued an objection to Claims 6, 16, 25, 26, 30, 37, 40, 41, 45, 52, 55, and 56 as being dependent from a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

##### **▪ The Applicant's Response**

Applicant traverses the Examiner's objection. In as much as the presently amended base claims are deemed in condition for allowance, these dependent claims and intervening claims are also believed allowable.

**Response to Rejections**

▪ **35 U.S.C. §112, First Paragraph**

▪ **The Examiner's Position**

The Examiner has rejected claims 1-4, 8, 10-14, 18, 20, 22, 23, 27-29, 31-36, 38, 39, 42-44, 46-51, 53 and 54 under 35 U.S.C. §112, first paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention (page 2 of the Detailed Action). Specifically, the claims 1, 11, 12, and claims depending therefrom, recite the limitation "2,4-dioxo" as there is insufficient antecedent basis for the limitation. Claims 3, 4, 8, 13, 14, and 18 and dependent claims recite "=O" in the 4-position of the third structure of ring B, ie R<sup>11</sup> group.

**The Applicant's Response**

Applicant respectfully traverses the Examiner's 35 U.S.C. §112, second paragraph. In view of the present amendment, Applicant believes the pending claims in condition for allowance. In particular, the rejected Claims 1, 3, 4, 11, 12, 13, and 14 have been further defined so as to delete the "2,4-dioxo" – substitution of ring B, as for example in the proviso where ring B is 1,3,4,5- tetrahydro-1-(Z)- (R10)-6,6,7,7-tetra (R11)-2,4-dioxo-2H-1,5-diazepin-3-yl. Moreover, claims directed to compounds according to structural core formula (Ie) have been deleted, without prejudice or disclaimer. In view of the presently amended claims, the rejections under 35 USC 112 , second paragraph, are deemed moot.

Claim 20 has been amended to depend from allowable claim 16 and to include the corrected substituent group of Z: (4-MeS-phenyl) CH<sub>2</sub> - .

Applicant encloses a copy each of the previously disclosed references, Su San Mok article in Biochemistry 1997,36:156-163, and WO 01/60826 as requested by the Examiner. Applicant asserts that WO 98/4897 and WO 99/42889 were disclosed in error since these disclosures do not appear relevant to the claimed matter (title pages are also enclosed).

**CONCLUDING REMARKS, REQUESTS AND FEE PAYMENTS**

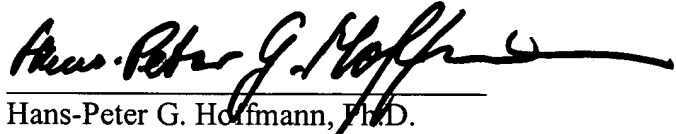
For all of the reasons set forth above, it is firmly believed that pending claims 1 – 4, 6, 10, 11, 13-16, 20, 22, 23, 25-30, 33, 35-37, 39-45, 48, 50-52, and 54-56 are allowable. Early notification of allowance is solicited.

**Fees**

The Commissioner is hereby authorized to charge payment of any fees that may be required under 37 C.F.R. §1.16 in connection with the paper transmitted herewith, to Deposit Account No. 033-975.

Respectfully submitted,

Date: December 2, 2003



Hans-Peter G. Hoffmann, Ph.D.

Reg. No. 37,352

Agent for Applicant

Pillsbury Winthrop LLP

1600 Tysons Boulevard

McLean, VA 22102

(203) 965-8271